

REMARKS

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 currently appear in this application. The Office Action of December 26, 2007, and the Advisory Actions of April 10 and May 19, 2008 have been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims. It is respectfully submitted that the present amendment raises no new issues requiring further consideration and/or search, and entry of the present amendment is respectfully requested.

Interview Summary

Applicant's attorney wishes to thank Examiner Coleman for the courtesies extended during the telephone interview of May 21, 2008. In accordance with Examiner Coleman's helpful suggestions, claim 2 has been amended to delete Ar<sup>1</sup> from the provision of 1, 3 or 1,3-phenylene, and to delete the new matter from claims 11 and 21. It is believed that all of the claims are now in condition for allowance, and that no new issues have been raised.

Double Patenting

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending application No. 10/381,665.

This rejection is respectfully traversed. It is believed that the claims are now in condition for allowability. The '200 application is currently on appeal and awaiting decision by the Board of Patent Appeals. It is respectfully submitted that a Notice of Allowance will be issued in the present application before the '200 application is allowed. Withdrawal of this rejection is respectfully requested.

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending application No. 10/381,665.

According to PAIR, a non-final action was mailed December 20, 2007. It is respectfully submitted that a Notice of allowance will probably be issued in the present application before the '665 application is allowed. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. 112

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

This rejection is respectfully traversed. The alleged new matter added to claim 11 in the previous amendment has been deleted.

Claims 9, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

This rejection is respectfully traversed.

Claim 9 has been amended to place the substituents on the aryl and heteroaryl groups into a proper Markush grouping.

Claim 21 has been amended to correct the definitions of  $n$  and  $n'$ , as well as to define the variable  $R^6$ . Claim 21 has also been amended to delete "consisting." In claim 21,  $C_1$  alkenyl, alkynyl and cyclic have been amended to  $C_2$  alkenyl and  $C_2$  alkynyl. Support for the amendments to alkenyl, alkynyl and cyclic groups be found in the specification as filed at page 9, lines 5-21. The period at the end of the 15<sup>th</sup> line on page 38 has been deleted, and the capital letter on Heteroaryl has been amended to a lower case letter. The

Appln. No. 10/070,954  
Amd. dated May 27, 2008  
Reply to Office Action of December 26, 2007  
and Advisory Actions of April 10, 2008 and May 10, 2008

Examiner is correct that there should be a subscript in  
(SO<sub>2</sub>)R<sup>3</sup>, This term has been amended to read (SO<sub>2</sub>)R<sup>3</sup>.

Claim 9 has been amended to clarify that the aryl or  
heteroaryl groups "are optionally substituted by..."

In view of the above, it is respectfully submitted  
that the claims are now in condition for allowance, and entry  
of the present amendment and favorable action are earnestly  
solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: /Anne M. Kornbau/  
Anne M. Kornbau  
Registration No. 25,884

AMK:srd  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\S\Ser1\Arkinstall1\PTO\2008-05-27Amendment.doc